

(2021-104)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

KIMPHUONG NGUYEN	§	IN THE COUNTY COURT
	§	
VS.	§	AT LAW OF
	§	
IEA CONSTRUCTORS, INC.	§	ATASCOSA COUNTY, TEXAS

NOTICE OF REMOVAL

Defendant IEA CONSTRUCTORS, INC., files this Notice of Removal to the United States District Court for the Western District of Texas, Western Division, pursuant to 28 U.S.C. § 1441, based on the following facts, which show that this case is properly removable:

PROCEDURAL BACKGROUND

1. On August 23, 2021, Plaintiff commenced an action in the County Court at Law of Atascosa County, Texas, Cause No. 21-08-0720-CVA, styled Kimphuong Nguyen v. IEA Constructors, Inc.. Plaintiff alleges Defendant is liable for negligence theory for personal injuries sustained in the subject incident.

2. On September 7, 2021, Defendant was served with a copy of Plaintiff's Original Petition.

3. In addition, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See* Pet. Paragraph 15, page 3.

4. At the time suit was filed, and continuing to the present, this Court had, and still has, original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). There is complete diversity of citizenship between Plaintiff and Defendant. There are no statutory bars against removal to the United States District Court, Western District of Texas.

5. The amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

PARTIES

6. At the time Plaintiff's Original Petition was filed and continuing to the present, Plaintiff is alleged to be a citizen of, and domiciled in, the State of Texas. *See* Pet. Para. 3.

7. At the time Plaintiff's Original Petition was filed and continuing to the present, Defendant IEA Constructors was and still is an Illinois Corporation with a principal place of business in Illinois.

8. There is complete diversity between the parties.

9. A copy of this Notice of Removal was filed with the clerk of the State Court in which the original action was filed, as required by law.

10. Pursuant to Local Rules 3 and 81, this Notice of Removal is accompanied by a Civil Cover Sheet and copies of the following attached documents:

- a. Pleadings asserting causes of action (Exhibit A);
- b. All orders signed by the State Judge (Exhibit B)
- c. The state court docket sheet at the time of removal (Exhibit C);
- d. An index of matters being filed (Exhibit D);
- e. A list of all attorneys, including their addresses, telephone numbers, and the parties they represent (Exhibit E);

PRAYER

For these reasons, Defendant IEA CONSTRUCTORS, INC., requests that the Court take jurisdiction of this action to its conclusion and final judgment, to the exclusion of any further proceedings in State Court, in accordance with law.

Dated: October 5, 2021.

Respectfully submitted,

“/s/” Anthony B. James

Anthony B. James, Attorney in Charge
State Bar No. 10537300
Federal I.D. No. 3785

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Attorneys for Defendant, IEA CONSTRUCTORS,
INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, Notice of Removal has been served on the 5th day of October, to all attorneys of record as follows:

Email: Rian@ButlerInjury.com
Rian Butler
Rian Butler Law Firm
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Suite 250
Austin, Texas 78735

Attorney for Plaintiff

“/s/” Anthony B. James

Anthony B. James